

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-63	Time filed:	
Changed to Admin. Code Ref. (R no.):			

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	<b>Contact person(s):</b>			
	<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
	Clyde Ormond	801-530-6254	801-530-6511	cormond@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	<b>Title of rule or section (catchline):</b>
	Security Personnel Licensing Act Rule
3.	<b>Type of notice:</b>
	New ___; Amendment ___; Repeal XX; Repeal and Reenact ___
4.	<b>Purpose of the rule or reason for the change:</b>
	During the 2008 General Session of the Legislature, SB 98 was passed which amended the statute (Title 58, Chapter 63) governing security personnel. The amendments in SB 98 created a separate license category for the armored car industry. As a result of the statute changes, this rule is being repealed in its entirety and two new rules, R156-63a regarding contract security industry and R156-63b regarding armored car industry, are being proposed.
5.	<b>This change is a response to comments from the Administrative Rules Review Committee.</b>
	Yes ___; No XX
6.	<b>Summary of the rule change:</b>
	This rule is being repealed in its entirety. However almost all of the provisions in this rule are being proposed in two new rules, R156-63a and R156-63b.
7.	<b>Aggregate anticipated cost or savings to:</b>
	<b>A) State budget:</b>
	The Division anticipates no costs or savings to the state budget as a result of this rule filing because most of the provisions in this rule are now found in two new proposed rules, R156-63a and R156-63b.

	<b>B) Local government:</b> This proposed rule repeal does not apply to local governments; therefore no costs or savings are anticipated. This proposed rule only applies to licensed unarmed private security officers, armed private security officers, contract security companies and applicants for licensure in this classifications.																				
	<b>C) Small businesses (fewer than 50 employees) AND persons other than businesses:</b> This proposed rule repeal only applies to licensed unarmed private security officers, armed private security officers, contract security companies and applicants for licensure in this classifications, which some may qualify as a "small business". However, the Division does not anticipate any costs or savings associated with this rule filing as almost all of the provisions in this rule are being proposed in two new rules, R156-63a and R156-63b.																				
8.	<b>Compliance costs for affected persons</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency): This proposed rule repeal only applies to licensed unarmed private security officers, armed private security officers, contract security companies and applicants for licensure in this classifications, which some may qualify as a "small business". However, the Division does not anticipate any costs or savings associated with this rule filing as almost all of the provisions in this rule are being proposed in two new rules, R156-63a and R156-63b.																				
9.	<b>Comments by the department head on the fiscal impact the rule may have on businesses:</b> No fiscal impact to businesses is anticipated from this rule filing, which repeals the current rule in order to replace it with two separate rules for the contract security industry and the armored car industry. Francine A. Giani, Executive Director																				
10.	<b>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</b> <b>State code or constitution citations (required):</b> Section 58-63-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)																				
11.	<b>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references</b> (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):  																				
12.	<b>The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.) <table border="1" style="width: 100%;"> <tr> <td colspan="2"><b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b></td> <td>09/02/2008</td> </tr> <tr> <td colspan="3"><b>B) A public hearing (optional) will be held:</b></td> </tr> <tr> <td><b>on (mm/dd/yyyy):</b></td> <td><b>at (time):</b></td> <td><b>At (place):</b></td> </tr> <tr> <td>08/14/2008</td> <td>9:00 am</td> <td>160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>			<b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b>		09/02/2008	<b>B) A public hearing (optional) will be held:</b>			<b>on (mm/dd/yyyy):</b>	<b>at (time):</b>	<b>At (place):</b>	08/14/2008	9:00 am	160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah						
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13.	<b>This rule change may become effective on (mm/dd/yyyy):</b>		09/09/2008																		
	NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.																				
14.	<b>Indexing information -- keywords</b> (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")): <table border="1" style="width: 100%;"> <tr> <td>licensing</td> <td>security guards</td> </tr> </table>			licensing	security guards																
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	private security officers		
15.	Attach an RTF document containing the text of this rule change (filename):	R156-63.pro	
<p><b>To the agency:</b> Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i>, and delaying the first possible effective date.</p>			
<b>AGENCY AUTHORIZATION</b>			
Agency head or designee, and title:	F. David Stanley, Director	Date (mm/dd/yyyy):	07/10/2008

ProposedRule.doc 9/26/2003

**R156. Commerce, Occupational and Professional Licensing.**

**~~[R156-63. Security Personnel Licensing Act Rule.~~**

**~~R156-63-101. Title.~~**

~~\_\_\_\_\_ This rule is known as the "Security Personnel Licensing Act Rule."~~

**~~R156-63-102. Definitions.~~**

~~\_\_\_\_\_ In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or this rule:~~

~~\_\_\_\_\_ (1) "Approved basic education and training programs" as used in this rule means basic education and training that meets the standards set forth in Sections R156-63-602 and R156-63-603 and that is approved by the division.~~

~~\_\_\_\_\_ (2) "Approved basic firearms education and training program", as used in this rule means basic firearms education and training that meets the standards set forth in Section R156-63-604 and that is approved by the Division.~~

~~\_\_\_\_\_ (3) "Authorized emergency vehicle" is as defined in Subsection 41-6a-102(3).~~

~~\_\_\_\_\_ (4) "Contract security company" includes:~~

~~\_\_\_\_\_ (a) a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom he is employed, or for other than the regular salary, whether at regular pay or overtime pay, from the law enforcement agency by whom he is employed; but does not include:~~

~~\_\_\_\_\_ (b) a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible personal property, real property, or the life and well being of personnel employed by, or animals owned by or under the responsibility of the that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.~~

~~\_\_\_\_\_ (5) "Employee" means an individual providing services in the security guard industry for compensation when the amount of compensation is based directly upon the security guard services provided and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.~~

~~\_\_\_\_\_ (6) "Immediate supervision" means the supervisor is available for immediate voice communication and can be available for in-person consultation within a reasonable period of time with an on-the-job trainee.~~

~~\_\_\_\_\_ (7) "Officer" as used in Subsections 58-63-201(1)(a) and R156-63-302a(1)(b) means a manager, director, or administrator of a contract security company.~~

~~—— (8) "Practical experience" means experience as an unarmed or armed private security officer obtained under the immediate supervision of a supervisor who has been assigned to train and develop the unarmed or armed private security officer.~~

~~—— (9) "Qualified continuing education" as used in this rule means continuing education that meets the standards set forth in Subsection R156-63-304.~~

~~—— (10) "Qualifying agent" means an individual who is an officer, director, partner, proprietor or manager of a contract security company who exercises material authority in the conduct of the contract security company's business by making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter and who is not involved in any other employment or activity which conflicts with his duties and responsibilities to ensure the licensee's performance of work regulated under this chapter does not jeopardize the public health, safety, and welfare.~~

~~—— (11) "Soft uniform" means a business suit or a polo-type shirt with appropriate slacks. The coat or shirt has an embroidered badge or contract security company logo that clips on to or is placed over the front pocket.~~

~~—— (12) "Supervised on-the-job training" means training of an armed or unarmed private security officer under the immediate supervision of a licensed private security officer who has been assigned to train and develop the on-the-job trainee.~~

~~—— (13) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-63-502.~~

#### **~~R156-63-103. Authority - Purpose.~~**

~~—— This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 63.~~

#### **~~R156-63-104. Organization - Relationship to Rule R156-1.~~**

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.~~

#### **~~R156-63-302a. Qualifications for Licensure - Application Requirements.~~**

~~(1) An application for licensure as a contract security company shall be accompanied by:~~

~~(a) a certification of criminal record history for the applicant's qualifying agent issued by the Bureau of Criminal Identification, Utah Department of Public Safety, in accordance with the provisions of Subsection 53-10-108(1)(f)(ii);~~

~~(b) two fingerprint cards for the applicant's qualifying agent, and all of the applicant's officers, directors, shareholders owning more than 5% of the stock, partners, proprietors, and responsible management personnel;~~

~~(c) a fee established in accordance with Section 63J-1-303 equal to the cost of conducting a check of records of the Federal Bureau of Investigation, and Bureau of Criminal Identification, Utah Department of Public Safety, for each of the applicant's qualifying agent, officers, directors, shareholders owning more than 5% of the stock, partners, proprietors, and responsible management personnel; and~~

~~(d) a copy of the driver license or Utah identification card issued to the applicant's qualifying agent, officers, directors, shareholders owning more than 5% of the stock, partners, proprietors, and responsible management personnel.~~

~~(2) An application for licensure as an armed private security officer shall be accompanied by:~~

~~(a) a certification of criminal record history for the applicant issued by the Bureau of Criminal Identification, Utah Department of Public Safety, in accordance with the provisions of Subsection 53-10-108(1)(f)(ii);~~

~~(b) two fingerprint cards for the applicant;~~

~~(c) a fee established in accordance with Section 63J-1-303 equal to the cost of conducting a check of records of:~~

~~(i) the Federal Bureau of Investigation for the applicant; and~~

~~(ii) the Bureau of Criminal Identification of the Utah Department of Public Safety; and~~

~~(d) a copy of the driver license or Utah identification card issued to the applicant.~~

~~(3) An application for licensure as an unarmed private security officer shall be accompanied by:~~

~~(a) a certification of criminal record history for the applicant issued by the Bureau of Criminal Identification, Utah Department of Public Safety, in accordance with the provisions of Subsection 53-10-108(1)(f)(ii);~~

~~(b) two fingerprint cards for the applicant;~~

~~(c) a fee established in accordance with Section 63J-1-303 equal to the cost of conducting a check of records of:~~

~~(i) the Federal Bureau of Investigation for the applicant; and~~

~~(ii) the Bureau of Criminal Identification of the Utah Department of Public Safety; and~~

~~(d) a copy of the driver license or Utah identification card issued to the applicant.~~

~~(4) An applicant for licensure as an armed private security officer, unarmed private security officer, or as a~~

~~qualifying agent for a contract security company by a person currently licensed under Title 58, Chapter 63, shall submit an application for change in license classification and shall be required to only document compliance with those requirements for licensure which have not been previously met in obtaining the currently held license.~~

**~~R156-63-302b. Qualifications for Licensure - Basic Education and Training Requirements.~~**

~~In accordance with Subsections 58-1-203(2) and 58-1-301(3), the basic education and training requirements for licensure in Section 58-63-302 are defined, clarified, or established as follows:~~

~~(1) each applicant for licensure as an armed private security officer shall successfully complete a basic education and training program approved by the division, the content of which is set forth in Section R156-63-603 and R156-63-604; and~~

~~(2) each applicant for licensure as an unarmed private security officer shall successfully complete a basic education and training program approved by the division, the content of which is set forth in Section R156-63-603.~~

**~~R156-63-302c. Qualifications for Licensure - Examination Requirements.~~**

~~In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirements for licensure in Section 58-63-302 are defined, clarified, or established as follows:~~

~~(1) the qualifying agent for each applicant who is a contract security company shall obtain a passing score of at least 75% on the Utah Security Personnel Qualifying Agent's Examination; and~~

~~(2) each applicant for licensure as an armed private security officer or an unarmed private security officer shall obtain a score of at least 75% on the basic education and training final examination approved by the division and offered by each provider of basic education and training as a part of the program.~~

**~~R156-63-302d. Qualification for Licensure - Liability Insurance for a Contract Security Company.~~**

~~In accordance with Subsections 58-1-203(2) and 58-1-301(3), the insurance requirements for licensure as a contract security company in Subsection 58-63-302(1)(j)(i) are defined, clarified, or established as follows.~~

~~(1) An applicant shall file with the division a "Certificate of Insurance" providing liability insurance for the following exposures:~~

- ~~(a) general liability;~~
- ~~(b) assault and battery;~~
- ~~(c) personal injury;~~
- ~~(d) false arrest;~~
- ~~(e) libel and slander;~~
- ~~(f) invasion of privacy;~~
- ~~(g) broad form property damage;~~
- ~~(h) damage to property in the care, custody or control of the contract security company; and~~
- ~~(i) errors and omissions.~~

~~(2) Said insurance shall provide liability limits in amounts not less than \$300,000 for each incident and not less than \$1,000,000 total aggregate for each annual term.~~

~~(3) The insurance carrier must be an insurer which has a certificate of authority to do business in Utah, or is an authorized surplus lines insurer in Utah, or is authorized to do business under the laws of the state in which the corporate offices of foreign corporations are located.~~

~~(4) All contract security companies shall have a current insurance certificate of coverage as defined in Subsection (1) on file at all times and available for immediate inspection by the division during normal working hours.~~

~~(5) All contract security companies shall notify the division immediately upon cancellation of the insurance policy, whether such cancellation was initiated by the insurance company or the insured agency.~~

**~~R156-63-302e. Qualifications for Licensure - Age Requirement for Armed Private Security Officer.~~**

~~An armed private security officer must be 18 years of age or older at the time of submitting an application for licensure in accordance with Subsection 76-10-509(1).~~

**~~R156-63-302f. Qualifications for Licensure - Good Moral Character - Disqualifying Convictions.~~**

~~(1) In addition to those criminal convictions prohibiting licensure as set forth in Subsections 58-63-302(1)(h), (2)(c) and (3)(c), the following is a list of criminal convictions which may disqualify a person from obtaining or holding an unarmed private security officer license, an armed private security officer license, or a contract security company license:~~

~~(a) crimes against a person as defined in Title 76, Chapter 5, Part 1;~~

~~(b) theft, including retail theft, as defined in Title 76;~~

~~(c) larceny;~~

~~(d) sex offenses as defined in Title 76, Part 4;~~

~~(e) any offense involving controlled dangerous substances;~~

~~(f) fraud;~~

~~(g) extortion;~~

~~(h) treason;~~

~~(i) forgery;~~

~~(j) arson;~~

~~(k) kidnapping;~~

~~(l) perjury;~~

~~(m) conspiracy to commit any of the offenses listed herein;~~

~~(n) hijacking;~~

~~(o) burglary;~~

~~(p) escape from jail, prison, or custody;~~

~~(q) false or bogus checks;~~

~~(r) terrorist activities;~~

~~(s) desertion;~~

~~(t) pornography; and~~

~~(u) any attempt to commit any of the above offenses.~~



~~(2) Applications for licensure or renewal of licensure in which the applicant, or in the case of a contract security company, the officers, directors, and shareholders with 5% or more of the stock of the company, has a criminal background shall be considered on a case by case basis, including a consideration of the following:~~

- ~~(a) the duties violated;~~
- ~~(b) the potential or actual injury caused by the applicant's unprofessional conduct; and~~
- ~~(c) the existence of aggravating or mitigating factors.~~

**~~R156-63-303. Renewal Cycle -- Procedures.~~**

~~(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 63 is established by rule in Section R156-1-308.~~

~~(2) Renewal procedures shall be in accordance with Section R156-1-308.~~

**~~R156-63-304. Continuing Education for Armed and Unarmed Private Security Officers as a Condition of Renewal.~~**

~~(1) In accordance with Subsections 58-1-203(1)(g) and 58-1-308(3)(b), there is created a continuing education requirement as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armed private security officer and unarmed private security officer.~~

~~(2) Armed and unarmed private security officers shall complete 16 hours of continuing education every two years consisting of formal classroom education.~~

~~(3) In addition to the required 16 hours of continuing education, armed private security officers shall complete not less than 16 additional hours of continuing firearms education and training every two years. The continuing firearms education and training shall be completed in four-hour blocks every six months and shall not include any hours for the continuing education requirement in Subsection R156-63-304(2). The continuing firearms education and training shall include as a minimum:~~

~~(a) live classroom instruction concerning the restrictions in the use of deadly force and firearms safety on duty, at home and on the range; and~~

~~(b) a recognized practical pistol recertification course on which the licensee achieves a minimum score of 80% using regular or low light conditions.~~

~~(4) Firearms education and training shall comply with the provisions of Public Law 103-54, the Armored Car Industry Reciprocity Act of 1993.~~

~~(5) An individual holding a current armed private security officer license in Utah who fails to complete the required four hours of continuing firearms education within the appropriate six month period will be required to complete one and one half times the number of continuing firearms education hours the licensee was deficient for the reporting period (this requirement is hereafter referred to as penalty hours). The penalty hours shall not be considered to satisfy in whole or in part any of the continuing firearms education hours required for subsequent renewal of the license.~~

~~(6) If a renewal period is shortened or lengthened to effect a change of renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.~~

~~(7) Continuing education to qualify under the provisions of Subsection (2) shall include:~~

~~(a) company operational procedures manual;~~

~~(b) applicable state laws and rules;~~

~~(c) legal powers and limitations of private security officers;~~

~~(d) observation and reporting techniques;~~

~~(e) ethics; and~~

~~(f) emergency techniques.~~

#### **~~R156-63-305. Demonstration of Clear Criminal History for Licensees as Renewal Requirement.~~**

~~(1) In accordance with Subsections 58-1-203(1)(g) and 58-1-308(3)(b), there is created a demonstration of a clear criminal history as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armed private security officer, unarmed private security officer, and for the qualifying agent for a contract security company.~~

~~(2) Each application for renewal or reinstatement of the license of a contract security company shall be conditioned upon the licensee having obtained within 120 days prior to submission of the application for renewal or reinstatement, a clear criminal history certification from the Bureau of Criminal Identification, Utah Department of Public Safety, for the licensee's qualifying agent.~~

~~(3) Each application for renewal or reinstatement of the license of an armed private security officer, or unarmed private security officer shall be conditioned upon the licensee having obtained within 120 days prior to submission of the application for renewal or reinstatement, a clear criminal history certification from the Bureau of Criminal Identification, Utah Department of Public Safety.~~

#### **~~R156-63-306. Change of Qualifying Agent.~~**

~~Within 30 days after a qualifying agent for a licensed contract security company ceases employment with the licensee, or for any other reason is not qualified to be the licensee's qualifier, the contract security company shall file with the division an application for change of qualifier on forms provided by the division, accompanied by a fee established in accordance with Section 63J-1-303.~~

#### **~~R156-63-307. Exemptions from Licensure.~~**

~~(1) In accordance with Subsection 58-1-307(1)(c), an applicant who has applied for licensure as an unarmed or armed private security officer is exempt from licensure and may engage in practice as an unarmed or armed private security officer in a supervised on-the-job training capacity, for a period of time not to exceed the earlier of 30 days or action by the division upon the application.~~

~~(2) Upon receipt of an application for licensure as an unarmed private security officer or as an armed private security officer, an on-~~

~~the job training letter may be issued to the applicant, if the applicant meets the following criteria:~~

~~—— (a) the applicant has not been licensed as an unarmed or as an armed private security officer in the state of Utah at least two years prior to applying for licensure;~~

~~—— (b) the applicant submits with his application an official criminal history report from the Bureau of Criminal Identification showing "No Criminal Record Found";~~

~~—— (c) the applicant has not answered "yes" to any question on the qualifying questionnaire section of the application;~~

~~—— (d) the applicant has not had a license to practice an occupation or profession denied, revoked, suspended, restricted or placed on probation; and~~

~~—— (e) the applicant has submitted all information required with the exception of the 16 hours of classroom or on-the-job education and training in accordance with Subsection R156-63-603(2).~~

#### **~~R156-63-502. Unprofessional Conduct.~~**

~~—— "Unprofessional conduct" includes the following:~~

~~—— (1) making any statement that would reasonably cause another person to believe that a private security officer functions as a law enforcement officer or other official of this state or any of its political subdivisions or any agency of the federal government;~~

~~—— (2) employment of an unarmed or armed private security officer by a contract security company, as an on-the-job trainee pursuant to Section R156-63-307, who has been convicted of a felony or a misdemeanor crime of moral turpitude;~~

~~—— (3) employment of an unarmed or armed private security officer by a contract security company who fails to meet the requirements of Section R156-63-307; and~~

~~—— (4) a judgment on, or a judicial or prosecutorial agreement concerning a felony, or a misdemeanor involving moral turpitude, entered against an individual by a federal, state or local court, regardless of whether the court has made a finding of guilt, accepted a plea of guilty or nolo contendere by an individual, or an individual has entered into participation in a first offender, deferred adjudication or other program or arrangement where judgment of conviction is withheld.~~

~~—— (5) utilizing a vehicle whose markings, lighting, and/or signal devices imply or suggest that the vehicle is an authorized emergency vehicle as defined in Subsection 41-6a-102(3) and Section 41-6a-310 and in Title R722, Chapter 340;~~

~~—— (6) utilizing a vehicle with an emergency lighting system which violates the requirements of Section 41-6a-1616 of the Utah Motor Vehicle Code;~~

~~—— (7) wearing a uniform, insignia, or badge that would lead a reasonable person to believe that the unarmed or armed private security officer is connected with a federal, state, or municipal law enforcement agency;~~

~~—— (8) incompetence or negligence by an unarmed private security officer, an armed private security officer or by a contract security~~

~~company that results in injury to a person or that creates an unreasonable risk that a person may be harmed;~~

~~(9) failure by the contract security company or its officers, directors, partners, proprietors or responsible management personnel to adequately supervise employees to the extent that the public health and safety are at risk;~~

~~(10) failing to immediately notify the division of the cancellation of the contract security company's insurance policy~~

~~(11) failure of the contract security company or an armed or unarmed private security officer to report a criminal offense pursuant to Section R156-63-613.~~

#### **~~R156-63-503. Administrative Penalties.~~**

~~(1) In accordance with Subsection 58-63-503, the following citation fine schedule shall apply to citations issued under Title 58, Chapter 63:~~

#### ~~TABLE~~

#### ~~FINE SCHEDULE~~

#### ~~FIRST OFFENSE~~

		Armed or Unarmed
Violation	Contract Security Company	Security Officer
<del>58-63-501(1)</del>	<del>\$ 800.00</del>	<del>N/A</del>
<del>58-63-501(3)</del>	<del>\$ 800.00</del>	<del>\$ 500.00</del>

#### ~~SECOND OFFENSE~~

<del>58-63-501(1)</del>	<del>\$1,600.00</del>	<del>\$1,000.00</del>
<del>58-63-501(3)</del>	<del>\$1,600.00</del>	<del>\$1,000.00</del>

~~(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-63-503(3)(h)(iii).~~

~~(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.~~

~~(4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.~~

~~(5) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence reviewed.~~

#### **~~R156-63-601. Operating Standards - Firearms.~~**

~~(1) An armed private security officer shall carry only that firearm with which he has passed a firearms qualification course as defined in Section R156-63-603.~~

~~(2) Shotguns and rifles, owned and issued by the contract security company, may be used in situations where they would constitute an appropriate defense for the armed private security officer and where the officer has completed an appropriate qualification course in their use.~~

~~(3) An armed private security officer shall not carry a firearm except when acting on official duty as an employee of a contract security company, unless the licensee is otherwise qualified under the laws of the state to carry a firearm.~~

**~~R156-63-602. Operating Standards - Approved Basic Education and Training Program for Armed and Unarmed Private Security Officers.~~**

~~— To be designated by the division as an approved basic education and training program for armed private security officers and unarmed private security officers, the following standards shall be met.~~

~~(1) There shall be a written education and training manual which includes performance objectives.~~

~~(2) The program for armed private security officers shall provide content as established in Sections R156-63-603 and R156-63-604 of this rule.~~

~~(3) The program for unarmed private security officers shall provide content as established in Section R156-63-603 of this rule.~~

~~(4) An instructor is a person who directly facilitates learning through means of live in-class lecture, group participation, practical exercise, or other means, where there is a direct student-teacher relationship. All instructors providing the basic classroom instruction shall have at least three years of training and experience reasonably related to providing of security guard services.~~

~~(5) All instructors providing firearms training shall have the following qualifications:~~

~~(a) current Peace Officers Standards and Training firearms instructors certification; or~~

~~(b) current certification as a firearms instructor by the National Rifle Association, a Utah law enforcement agency, a Federal law enforcement agency, a branch of the United States military, or other qualification or certification found by the director to be equivalent.~~

~~(6) All approved basic education and training programs shall maintain training records on each individual trained including the dates of attendance at training, a copy of the instruction given, and the location of the training. These records shall be maintained in the files of the education and training program for at least three years.~~

~~(7) In the event an approved provider of basic education and training ceases to engage in business, the provider shall establish a method approved by the division by which the records of the education and training shall continue to be available for a period of at least three years after the education and training is provided.~~

~~(8) Instructors, who present continuing education hours and are licensed armed or unarmed private security officers, shall receive credit for actual preparation time for up to two times the number of hours to which participants would be entitled. For example, for learning activities in which participants receive four continuing education hours,~~

~~instructors may receive up to eight continuing education hours (four hours for preparation plus four hours for presentation).~~

**~~R156-63-603. Operating Standards - Content of Approved Basic Education and Training Program for Armed and Unarmed Private Security Officers.~~**

~~— An approved basic education and training program for armed and unarmed private security officers shall have the following components:~~

~~— (1) at least eight hours of basic classroom instruction to include the following:~~

~~— (a) the nature and role of private security, including the limits of, scope of authority and the civil liability of a private security officer and the private security officer's role in today's society;~~

~~— (b) state laws and rules applicable to private security;~~

~~— (c) legal responsibilities of private security, including constitutional law, search and seizure and other such topics;~~

~~— (d) situational response evaluations, including protecting and securing crime or accident scenes, notification of intern and external agencies, and controlling information;~~

~~— (e) ethics;~~

~~— (f) use of force, emphasizing the de-escalation of force and alternatives to using force;~~

~~— (g) report writing, including taking witness statements, log maintenance, the control of information, taking field notes, report preparation and basic writing skills;~~

~~— (h) patrol techniques, including mobile vs. fixed post, accident prevention, responding to calls and alarms, security breeches, and monitoring potential safety hazards;~~

~~— (i) police and community relations, including fundamental duties and personal appearance of security officers;~~

~~— (j) sexual harassment in the work place; and~~

~~— (k) a final examination which competently examines the student on the subjects included in the eight hours of basic classroom instruction in the approved program of education and training and which the student passes with a minimum score of 80%.~~

~~— (2) an additional 16 hours of basic education and training in the classroom, on-the-job or a combination thereof to include the following:~~

~~— (a) for unarmed and armed private security officers:~~

~~— (i) two hours concerning the legal responsibilities of private security, including constitutional law, search and seizure and other such topics;~~

~~— (ii) two hours of situational response evaluations, including protecting and securing crime or accident scenes, notification of internal and external agencies, and controlling information;~~

~~— (iii) three hours covering the use of force, emphasizing the de-escalation of force and alternatives to using force;~~

~~— (iv) two hours of report writing, including taking witness statements, log maintenance, the control of information, taking field notes, report preparation and basic writing skills;~~

~~— (v) four hours of patrol techniques, including mobile vs. fixed post, accident prevention, responding to calls and alarms, security breeches, homeland security and monitoring potential safety hazards;~~

~~(vi) two hours of police and community relations, including fundamental duties and personal appearance of security officers; and~~  
~~(vii) one hour regarding sexual harassment in the work place; or~~  
~~(b) for unarmed and armed private security officers who work in the armored car service:~~  
~~(i) eight hours of driving policies and procedures, driver training and vehicle orientation;~~  
~~(ii) four hours of emergency situation response including terminal security, traffic accidents, robbery situations, homeland security and reducing risk potential through street procedures and tactics, securing robbery scenes, dealing with the media, etc.;~~  
~~(iii) three hours of armored operations, including proper paperwork, street control procedures, vehicle transfers, vault procedures, and other proper branch procedures; and~~  
~~(iv) one hour regarding sexual harassment in the work place; and~~  
~~(c) a final examination approved by the Division, which competently examines the applicant on the subjects included in the additional 16 hour program of basic education and training and which the student passes with a minimum score of 80%.~~

**~~R156-63-604. Operating Standards - Content of Approved Basic Firearms Training Program for Armed Private Security Officers.~~**

~~An approved basic firearms training program for armed private security officers shall have the following components:~~

~~(1) at least six hours of classroom firearms instruction to include the following:~~

- ~~(a) the firearm and its ammunition;~~
- ~~(b) the care and cleaning of the weapon;~~
- ~~(c) no alterations of firing mechanism;~~
- ~~(d) firearm inspection review procedures;~~
- ~~(e) firearm safety on duty;~~
- ~~(f) firearm safety at home;~~
- ~~(g) firearm safety on range;~~
- ~~(h) legal and ethical restraints on firearms use;~~
- ~~(i) explanation and discussion of target environment;~~
- ~~(j) stop failure drills;~~
- ~~(k) explanation and discussion of stance, draw stroke, cover and concealment and other firearm fundamentals;~~
- ~~(l) armed patrol techniques;~~
- ~~(m) use of deadly force under Utah law and the provisions of Title 76, Chapter 2, Part 4 and a discussion of 18 CFR 44 Section 922;~~
- ~~(n) the instruction that armed private security officers shall not fire their weapon unless there is an eminent threat to life and at no time will the weapon be drawn as a threat or means to force compliance with any verbal directive not involving eminent threat to life; and~~

~~(2) at least six hours of firearms range instruction to include the following:~~

- ~~(a) basic firearms fundamentals and marksmanship;~~
- ~~(b) demonstration and explanation of the difference between sight picture, sight alignment and trigger control; and~~

~~(c) a recognized practical pistol course on which the applicant achieves a minimum score of 80% using regular and low light conditions.~~

**~~R156-63-605. Operating Standards - Uniform Requirements.~~**

~~(1) All unarmed and armed private security officers while on duty shall wear the uniform of their contract security company employer unless assigned to work undercover.~~

~~(2) Each armed and unarmed private security officer wearing a soft uniform unless assigned to an undercover status shall at a minimum display on the outermost garment of the uniform the name of the contract security company under whom the armed and unarmed private security officer is employed, and the word "Security", "Contract Security", or "Security Officer".~~

~~(3) The name of the contract security company and the word "Security" shall be of a size, style, shape, design and type which is clearly visible by a reasonable person under normal conditions.~~

~~(4) Each armed and unarmed private security officer wearing a regular uniform shall display on the outermost garment of the uniform in a style, shape, design and type which is clearly visible by a reasonable person under normal conditions identification which contains:~~

~~(a) the name or logo of the contract security company under whom the armed or unarmed private security officer is employed; and~~

~~(b) the word "Security", "Contract Security", or "Security Officer".~~

~~(5) Contract security companies shall have until July 1, 2005 to ensure that all uniforms comply with the requirements of this section. Thereafter, all uniforms, soft and regular, must meet all requirements established in this section.~~

**~~R156-63-606. Operating Standards - Badges.~~**

~~Badges may be worn under the following conditions:~~

~~(1) they do not carry the seal of the state of Utah nor have the words "State of Utah";~~

~~(2) they shall contain the word "Security" and may contain the name of the company; and~~

~~(3) the use of a star badge with any number of points on a uniform, in writing, advertising, letterhead, or other written communication is prohibited.~~

**~~R156-63-607. Operating Standards - Criminal Status of Officer, Qualifying Agent, Director, Partner, Proprietor, Private Security Officer or Manager of Contract Security Companies.~~**

~~In the event an officer, qualifying agent, director, partner, proprietor, private security officer, or any management personnel having direct responsibility for managing operations of the contract security company is found guilty of a felony, or of a misdemeanor which impacts upon that individual's ability to function within the security industry, said company shall within ten days reorganize and exclude said individual from participating at any level or capacity in the management, operations, sales, ownership, or employment of that company.~~

**~~R156-63-608. Operating Standards - Implying an Association with Public~~**



### ~~Law Enforcement Prohibited.~~

~~(1) No contract security company shall use any name which implies intentionally or otherwise that they are connected or associated with any public law enforcement agency.~~

~~(2) No contract security company shall permit the use of the words "special police", "special officer", "cop", or any other words of a similar nature whether used orally or appearing in writing or on any uniform, badge, or cap.~~

~~(3) No person licensed under this chapter shall use words or designations which would cause a reasonable person to believe he is associated with a public law enforcement agency.~~

### ~~R156-63-609. Operating Standards - Proper Identification of Private Security Officers.~~

~~All armed and unarmed private security officers shall carry a valid security license together with a Utah identification card issued by the Division of Driver License or a current Utah driver license whenever he is performing the duties of an armed or unarmed private security officer and shall exhibit said license and identification upon request.~~

### ~~R156-63-610. Operating Standards - Vehicles.~~

~~(1) No contract security company or its personnel shall utilize a vehicle whose markings, lighting, or signal devices imply that the vehicle is an authorized emergency vehicle pursuant to Subsection 41-6a-102(3).~~

~~(2) The word "Security", either alone or in conjunction with the company name, shall appear on each side and the rear of the company vehicle in letters no less than 4 inches in height and in a color contrasting with the color of the contract security company vehicle.~~

~~(3) Contract security companies shall have six months from the effective date of this rule to ensure that all vehicles comply with the requirements of this section.~~

~~(4) Subsection R156-63-610(2) does not apply to armored cars as defined in the Armored Car Industry Reciprocity Act of 1993.~~

### ~~R156-63-611. Operating Standards - Operational Procedures Manual.~~

~~(1) Each contract security company shall develop and maintain an operational procedures manual which includes the following topics:~~

- ~~(a) detaining or arresting;~~
- ~~(b) restraining, detaining, and search and seizure;~~
- ~~(c) felony and misdemeanor definitions;~~
- ~~(d) observing and reporting;~~
- ~~(e) ingress and egress control;~~
- ~~(f) natural disaster preparation;~~
- ~~(g) alarm systems, locks, and keys;~~
- ~~(h) radio and telephone communications;~~
- ~~(i) crowd control;~~
- ~~(j) public relations;~~
- ~~(k) personal appearance and demeanor;~~
- ~~(l) bomb threats;~~
- ~~(m) fire prevention;~~
- ~~(n) mental illness;~~

~~(o) supervision;~~  
~~(p) criminal justice system;~~  
~~(q) code of ethics for private security officers; and~~  
~~(r) sexual harassment in the workplace.~~  
~~(2) The operations and procedures manual shall be immediately available to the division upon request.~~

**~~R156-63-612. Operating Standards - Display of License.~~**

~~The license issued to a contract security company shall be prominently displayed in the company's principal place of business and a copy of the license shall be displayed prominently in all branch offices.~~

**~~R156-63-613. Operating Standards - Standards of Conduct.~~**

~~All armed and unarmed private security officers licensed pursuant to Title 58, Chapter 63 if arrested, charged, or indicted for a criminal offense above the level of a Class C misdemeanor, shall within 72 hours notify the contract security company they are employed with of the criminal offense. The contract security company shall notify the Division of the criminal offense within 72 hours of notification by the licensee, in writing, including name, name of the arresting agency, the agency case number and the nature of the criminal offense.~~

**~~KEY: licensing, security guards, private security officers~~**  
**~~Date of Enactment or Last Substantive Amendment: July 19, 2007~~**  
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